

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA,)
)
v.) No. 1:21-cr-020-TRM-CHS-3
)
WILLIAM BIRKHEAD)

MEMORANDUM AND ORDER

William Birkhead (“Defendant”) appeared for a hearing on March 21, 2024, in accordance with Rules 5 and 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for an Offender Under Supervision (“Petition”) in the above matter.

Defendant was placed under oath and informed of his constitutional rights. It was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel. Federal Defender Services was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Defendant be detained without bail pending his revocation hearing before U.S. District Judge McDonough. Defendant waived his right to a preliminary hearing but requested a detention hearing and time to prepare for said hearing, which was scheduled to take place on March 22, 2024. Defendant was temporarily detained until his detention hearing [Doc. 370].

On March 22, 2024, Defendant announced to the Court that he was waiving his right to a detention hearing. Based on the waiver, I find Defendant, with advice of counsel, waived his right to a detention hearing, but may later request a detention hearing by filing a proper motion. Thus, the Government’s motion that Defendant be **DETAINED WITHOUT BAIL** pending further order is **GRANTED** and Defendant shall be held in custody by the United States Marshal and produced for future hearings.

Based upon the Petition and waiver of preliminary hearing, the Court finds there is probable cause to believe Defendant has committed violations of his condition of supervised release as alleged in the Petition.

Accordingly, it is **ORDERED** that:

(1) Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge McDonough a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision.

(2) In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision, they shall request a hearing

before U.S. District Judge McDonough.

(3) The Government's motion that Defendant be **DETAINED WITHOUT BAIL** pending further order from this Court is **GRANTED**.

SO ORDERED.

ENTER.

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE